NOTICE OF APPEAL FROM TO	HE EXAMINER TO THE BOAR	D	Attorney Docket No.: JHU1530-3		
	In re Application of: Worley et al.				
	Application No: 09/245,277		Filed: February 5, 1999		
	For: IMMEDIATE EARLY GENES AND METHODS OF USE THEREFOR				
	Group Art Unit: 1646	Exai	miner: Chernyshev, O.		

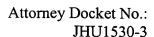
Applicants hereby appeal to the Board of Appeals from the decision mailed March 8, 2004 of the Examiner rejecting claims 62-68 and 70-72.

1.	X	Appeal Fee (37 C.F.R. § 1.17(b)	))				
		other than small entity			\$320.00		
	1	<b>X</b> small entity			\$160.00		
2.	X	X . A petition and fee for an extension of time for reply to the rejection is attached.					
X	Exten	Extension Fee (37 C.F.R. 1.17(a)					
	Other than small entity						
		\$110.00	400.00	\$920.00	\$1,440.00		
	X	Small entity					
٠.		\$55.00	200.00 X	\$460.00	\$720.00		

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165.00 OP





3. Enclosed is Check No. 565934 in the total amount of \$430.00 which includes \$165.00 for the Notice of Appeal fee and \$265.00 for the Extension fee (minus the prepaid Two Month fee) required. The Commissioner is hereby authorized to charge any other required fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50 -1355. A copy of this sheet is enclosed.

September 3, 2004

Date

Lisa A. Haile, J.D., Ph.D. Registration No. 38,347 Telephone: (858) 677-1456

Facsimile: (858) 677-1465

## **USPTO CUSTOMER NUMBER 28213**

GRAY CARY WARE & FREIDENRICH LLP 4365 Executive Drive, Suite 1100 San Diego, California 92121-2133

## **CERTIFICATION UNDER 37 CFR 1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, **September 3**, 2004, addressed to: Box AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Cara Grifone

(Name of person mailing paper)

Signature

September 3, 2004

Date